

A

SECOND LETTER

TO

SIR JOHN COX HIPPISEY, BART.

ON

THE MISCHIEFS

INCIDENTAL TO

THE TREAD-WHEEL,

ETC.

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ON

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INCIDENTAL TO

THE TREAD-WHEEL,

AS AN INSTRUMENT OF PRISON DISCIPLINE:

CONTAINING

AN EXAMINATION

OF

THE OFFICIAL REPORTS

UPON THIS SUBJECT,

RETURNED TO THE SECRETARY OF STATE'S OFFICE DURING
THE PRESENT SESSION OF PARLIAMENT.

BY

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SECOND LETTER,

ETC.

RELUCTANT as I am to enter again upon a subject which draws me away from the quiet of unconflicting studies, and the private duties of my profession, into a field of excitement and controversy, I cannot refuse to comply with your request of examining into the new official reports, and other documents transmitted to me concerning the effects of the Tread-Mill; and of supporting, as far as is reasonable, those opinions upon the subject which I have been hitherto led to advance, in conjunction with yourself and many others; and which some of these statements seem, at first sight, to invalidate.

Whatever be the result of the inquiry, I cannot but think that the Secretary of the Home Department is peculiarly entitled to the praise of the country for the candid and patient and judicious manner in which he has endeavoured to obtain information; though I could have wished that his inquiry had been upon a much broader scale than that to which it is limited; and, even upon the

points on which it touches, that it had called for a more minute and accurate developement : for, under the circumstances of the case, so generalized are the reports which have been received as to lead to nothing decisive upon the questions actually put forth ; while, had they even been full and unanswerable, they would have settled only one of the numerous and weighty objections which have been urged against the Tread-Wheel as a mean of penal punishment.

As the discussion, however, now stands, nothing can be more unfortunate for this far-famed machine. For if, on the one hand, it is in danger of falling a sacrifice to its opponents, on account of the baneful effects of which they have accused it ; it is, on the other hand, far more in danger of falling a sacrifice to its advocates from the new and inappropriate qualities with which they have invested it. The Tread-Mill, it must not be forgotten, was at first brought forward by the Prison Discipline Society as an instrument of TERROR and as having no claim whatever for support but from its working by a *discipline of TERROR*. Of which account, and on which account alone, it was at first dignified with the name of the DISCIPLINE MILL*. And without such an explanation nothing can be more incongruous than the machine, an

* " The Discipline Mill, invented by Mr. Cubitt, of Ipswich, &c. Description of the Tread-Mill, published by the Prison Discipline Society, p. 3. 1822. " At the Cambridge county-ga

the qualities attributed to it: for we are expressly told, that “it requires no previous *instruction* *;” that “no *tuition* is needed; and that the effect of such DISCIPLINE, for one month only, is calculated to DETER offenders in their early career of crime in a more powerful manner than a much longer term of ordinary confinement †.” In further proof of which the Fourth Report of the Committee of the Prison Discipline Society remarks, in respect to the House of Correction at Northallerton, that, “Such has been the diminution in the number of committals, that at times the mill is but half employed, from the want of prisoners to work it ‡:” and that “at the Bedford county-gaol, several, on entering the prison, have gladly paid the money at the sight of the mill §:” while it extols the ingenious device of erecting, at the Brixton House of correction, the FLY-WHEEL on the roof of the mill-house, since it forms “a conspicuous object on the building, and may be seen from a considerable distance as an EXPRESSIVE SYMBOL of the system of punishment going forward within the walls ||.”

Superadded to the TERROR which the Wheel was thus supposed to excite on its first introduction, it was conceived also to produce a feeling of the deep-

a Discipline Mill has been in full operation during the last six months,” &c. Fourth Report of the Committee, &c. p. 21. 1822.

* Description, &c. p. 5.

§ Fourth Report, p. 21.

† Fourth Report, &c. p. 34.

|| P. 59. Appendix.

P. 28.

est DEGRADATION and IGNOMINY. And so general and powerful was this apprehension, that Mr. Headlam, the reverend chairman of the York North Riding Sessions, in his Letter to Mr. Peel, which abounds with valuable and enlightened remarks, however it may fail in a few points, thought it requisite to check this feeling in some degree, as tending to excite in the breasts of many an un-called-for commiseration*.

Now if we could give full credit to the glowing accounts of this same machine which are furnished by its warmest advocates in the official correspondence just printed by order of the House of Commons, it would be impossible not to admit that, by some means or other, it has totally changed its character, and is become stript of its recommendations. For the Secretary of State is expressly informed, what, however, he cannot but learn with some surprise, and, after his own remarks in a late parliamentary debate, with great regret, not merely that its “exercise is most salutary†,” and “eminently conducive to health‡,” for this is faint praise; but that “the specious objection of its disgrace, *so plausible with men in the higher ranks of society*, does not in reality attach to it; that there is nothing in the employment REPUGNANT to COMMON DELICACY;” and that, “consistent with every principle of humanity, delicacy, and sound

* Letter, &c. p. 39, and following.

‡ Gloucester, p. 6.

† Swaffham, p. 8.

legislation, the Tread-Mill is applicable for the employment of both sexes*". To which it is added, that in frequent conversations between the visiting magistrates and the women thus employed, the latter, without a single exception, "have readily admitted that the labour of washing in particular, and many other avocations which females in the lower situations in life are obliged daily to follow, are much more severe†. While to crown the whole, and as a natural result of so healthful and humane and refined an occupation, we find in other prisons its inmates expressing "a desire to go upon the work‡," and actually "volunteering§" it; while even the untried prisoners, for whose supposed pitiable condition the parliament is at this moment so full of commiseration and regret, "we were given, say the visiting magistrates of Ipswich, to understand *from the gaoler*, that many of them WOULD BE GLAD to be so employed, if allowed||."

Such is the picture of the Tread-Mill, with its DISCIPLINE OF TERRORS, which the official communications present to us in the language of those who profess to be its most strenuous supporters. That there is some ground for such a picture must and ought to be allowed, from the character of the highly respectable individuals who have made it; to many of whom, indeed, the country is under

* Northallerton, p. 11, 12.

§ Ipswich, p. 9.

† Ibid.

|| Ibid.

‡ Appendix, Surrey, p. 15.

essential obligations. And it is probable these grounds may consist in the new regulations which it has been found necessary to adopt in Tread-Mill prisons generally; such as the longer intervals, the less work and better fare; a fare indeed so much better, in many prisons, that the diet of Northallerton, which astonished the Committee of the Prison Discipline Society, in 1822, for its excess*, is now become meagre and contemptible; whence we meet with one poor woman with a child at her breast who is said to have been lately thrown into a fit of TERROR on her *discharge* from the prison at Guildford, instead of on her *committal* to it, for the weighty reason assigned by the visiting magistrate of her having expressed much apprehension that she should “*not fare so well* on her return home.”†

Now all this, however necessary so long as the Tread-Mill is upheld, must be admitted by all parties to be a great and crying evil, as being an outrageous departure from the discipline-plan originally laid down; and as, so far, tending to counteract its operation. But could it be supposed that such departure had been carried to the entire extent which the picture just presented to us would indicate, were we to allow to every word its full force, there is not an individual but must laugh at this instrument with all its *discipline*, as an object of terror or corrective punishment, and must vote

* Fourth Report, Appendix, p. 69.

† Official Correspondence, Appendix, p. 15.

for its downfall forthwith, as an expensive nuisance, instead of a moral and salutary rod throughout the country; and even regard the noted sign of the FLY-WHEEL, at Brixton, far less as a symbol of punishment than of pleasure, and as emblematic of the ordinary legend that within is “good entertainment for man or beast;” an interpretation, indeed, which seems to have been given to it by various individuals of late, since the journal of this prison informs us, as we shall have further occasion to notice hereafter, that within the course of the last six months of the preceding year, there were persons consigned to it four, five, six, eight, or even nine times in succession*, as though merely leaving it for a short visit to their friends, and then returning to it as their home.

It is not from such high-coloured accounts, therefore, that we are to apprehend any continuance of the Tread-Mill labour, or can fairly calculate its effects:

Pol! me occidistis, amici,
Non servâstis.

Let us then turn to those of a much lower tone, but of a much soberer description, constituting indeed by far the greater body of the evidence before us.

It is not a little singular, and in a very considerable degree limits the value of this evidence, that

* Letter on the Nature and Effects of the Tread-Wheel, &c. addressed to the Right Hon. Robert Peel, &c.; by one of his Constituents, and a Magistrate of the county of Surrey,—p.137.

although the letter of the Secretary of State was addressed "to the visiting magistrates of the *several* gaols and houses of correction," where Tread-Wheels were established up to December 24 of last year, of which there were at least *fifty-three* in actual operation, and may have been more; the returns printed and laid on the table of the House of Commons amount to only *twenty-one*, being little more than one-third of the entire number of establishments to which the order was addressed. I am fully persuaded from the open and ingenuous manner in which Mr. Secretary Peel has met this inquiry that not a single return has been kept behind in his office. But the question still recurs, what can have been the cause of so much backwardness on the part of nearly two-thirds of the visiting magistrates of the kingdom to comply with the purport of the official circular addressed to them? Can it be that there was any reluctance or doubt in their minds as to the nature of the reply that should be returned, considering the unsettled state of the inquiry at this moment, and the warmth which has been manifested in support of the machine?

The force of such reflections is not lessened by observing that *one magistrate only* signs the return for the prison at Haverfordwest, and the prison at Pembroke, not only without hinting that his colleague in office concur with him, but without any collateral opinion of the surgeon, or any notice of a consult

ation with him, although such consultation is strictly enforced in the official letter.

Nor are such reflections lessened by the uniform brevity of a dry and technical adherence to the very limited terms of the official circular itself, which is restrained to an inquiry "whether any *bodily mischief* or *inconvenience* has been experienced by the prisoners working on the Tread-Mill?" no account whatever being superadded, of the average proportion of work, and of interval, the velocity of the wheel when in operation, the distance of step from step, or the dietary table in use: excepting, indeed, in the instances already adverted to, in which the visiting magistrates, being peculiarly hearty in the cause, allow themselves a greater freedom of explanation.

There is also, if I mistake not, a striking reservation or qualification on the part of the surgeon in delivering his opinion, and apparently manifesting the same disinclination to a clear and satisfactory explanation which I have just adverted to. It is almost immaterial to what part of the returns I appeal. Let us begin therefore with the first.

The correspondence opens with the House of Correction at Bedford, in which the visiting magistrates affirm, and the letter of the surgeon is to the same effect, that they "are unanimously of opinion that no prisoner has experienced any *bodily mischief* by working on this Tread-Mill, nor any other inconvenience, *than such as is the neces-*

sary consequence of any hard labour. On the contrary (say they,) it is our opinion that the health of the prisoners has been better than it would have been *if they had continued in a state of idleness*.*” Now here is an intimation that some mischiefs and inconveniencies have arisen, though none greater than such as necessarily flow from hard labour of any other kind. But why are they not given in detail from the prison-journal, or the surgeon’s diary, that the public might form an opinion upon this subject as well as the respondents? This is of the utmost importance, because where, as in the prisons in Cold-Bath Fields, Guildford, and Brixton, there is a difference of opinion among the magistrates themselves as to the nature of Tread-Mill labour; there is a like difference of opinion as to many of the cases that occur in their respective infirmaries; the one party regarding them as altogether casual, the other as a necessary effect of the labour imposed. And that the health of the prisoners in general has been interfered with is clear from its being calculated that such interference is only equal to what “it would have been if they had continued in a state of IDLENESS:” that very state which is the root of all evil; out of which it was the direct and primary object of this system of discipline to take the inmates of a prison; and which on a former occasion† I readily admitted to you

* Correspondence, &c. p. 3.

† Letter to Sir John Cox Hippisley, &c. 1823.

to be far worse and more mischievous to both body and mind than the Tread-Mill itself, with all its host of terrors. So that fettered by limitations and comparisons, as is the present report, the advocates of the new mode of corrective punishment can hardly enlist it on their side of the question.

Yet this report is a tolerably fair sample of the whole of those in which a tone of moderation, and an approach to impartiality appear to be preserved. Thus from the gaol at Dorchester, we are told by Mr. Arden, the respectable surgeon to this prison, that “none of the prisoners *whose state of health has been such as to enable them to work at the Tread-Mill* have suffered any inconvenience, or received any bodily mischief *from that labour*.*” Here also, in order that the public might determine whether the inconveniencies and mischiefs referred to had proceeded *from that labour* or not, it would have been convenient that they should have been particularized. We are told, however, with much candour by Mr. Morton Pitt, that it has been thought proper to make the work applied to the females *much less* than what is applied to the male-prisoners; and that whenever the surgeon *has observed a tendency to injury*, he takes the females wholly off the Wheel till in a more perfect state of health. “Thus, continues Mr. Pitt, no inconvenience whatever has been experienced, though obtained by rendering the *punishment very trifling*.”

* Correspondence, &c. p. 5.

So from Durham we are informed as briefly, that “not the slightest injury or mischief has been experienced *from its employment**,” without our having an opportunity of determining the question. At Exeter, the limitation runs parallel, the words being “that no mischief or inconvenience has been experienced by any of the prisoners *from their labour on the Tread-Wheel†.*”

At the county gaol of Lancaster, from the praiseworthy conduct of the Magistrates, the punishment runs a risk of becoming as *trifling* as at Dorchester, and for men as well as for women. “The surgeon states,” says the Report, “that since the application of a regulator fan to the Wheel, *the labour has been so much reduced, and the rate so regulated,* that he has not found it necessary even to exempt persons who were slightly *ruptured*, and wearing trusses, from the labour of the Wheel.” I had in my last Letter occasion to think highly of the manner in which this prison is superintended by all connected with it; and, though few will be disposed to commend the practice here adopted, of trusting a ruptured man on the Wheel, it sufficiently speaks for the very moderate labour that is now enforced at any time, and affords an important lesson to other prisons, though unquestionably at the expense of the Tread-Wheel itself, as a discipline of terror, or an adequate mode of corrective punishment.

* Correspondence, &c. p. 6.

† Ibid. p. 5.

The next prison in rotation is that of Leicester, where a new regulation, with a reduction of labour, seems also to have taken place, and where the ordinary reservation is adhered to in speaking upon the subject. “No person employed upon it (the Tread-Mill), *who is in tolerable health, appears* to sustain any injurious effects whatever *from the PROPER application of the labour.*” What that “PROPER application,” however, consists in, we are not told; nor can we form any judgement whether such mischiefs as may have occurred are really *injurious effects* of the labour or not. We are further informed, that two men were killed by the Wheel under its prior mode of working; and it is some satisfaction to find that none have perished since.

We arrive next at the House of Correction in Cold-Bath Fields, the largest establishment of the kind in the kingdom, and concerning which I shall have to speak further, when noticing the Additional Report that has been returned by a distinguished and able medical committee, specially appointed to examine into the state of its females. It is truly singular, that after all the warmth which has hitherto been discovered in support of the new discipline in this prison, the visiting magistrates do not venture to give any opinion of their own, but content themselves with quoting that of Mr. Webbe, the surgeon. Mr. Webbe’s private sentiments are well known, for he has not only declared repeatedly to myself, but in public to magistrates

of different counties, or I should not feel at liberty to quote his words, that in his opinion the Tread-Wheel is an abominable contrivance, and equally unfit for the mind and for the body. But as such an opinion would not exactly square with the purpose in hand, he had to furnish one of a different kind, and extricate himself from his dilemma as well as he could. He got off, as you well know, by an ingenious figure of speech on the last occasion: and I confess I had some curiosity to learn how he would escape on the present. He has succeeded, I find, equally well, having adroitly laid hold of a *non mi ricordo*; thus fairly throwing himself upon his want of recollection. “ I KNOW OF NO MISCHIEF or inconvenience having been experienced,” says he, “ excepting in one instance eighteen months since (which, however, his memory did not suggest to him for the preceding report), when, from the *breaking of a part of the machinery*, two or three boys slightly sprained their ankles: a few nights since *a woman miscarried*, who had worked upon the Mill during the previous day: she made no complaint, nor was it known that she was pregnant, otherwise she would not have been put to that sort of labour.” Beyond these two reminiscences, Mr. Webbe’s memory could not be made to travel, though, had he consulted the female wardens, they could have roused it to fifty others. But the visiting magistrates very good humouredly allowed his plea of *non mi ricordo* to all the rest, and

consented to receive it even without giving him the trouble of examining his professional diary. "The surgeon," say they, "reports, that *he knows of no mischief,*" &c., the two exceptions just noticed being excepted. Mr. Webbe's situation, however, is a difficult one, and I respect his feelings, though I cannot but wish they were combined with a little more firmness.

It is in this manner that the whole of the moderate and less biassed reports are communicated, every one seeming to exhibit some draw-back, limit, or qualification, and hence disabling us from drawing any full conclusion from the terms in which the communication is made. And that I may not be suspected of placing too much stress upon such reservations, I will, for a few moments, request your attention to the Report from the House of Correction at Guildford, where a like restriction is introduced, and which I shall be able to prove, from collateral appeals to the public, is intentionally employed in the sense I have attached to such salvos. No *professional* letter is here introduced, the surgeon having apparently got into some strait, from the awkward or erroneous manner in which he had lately furnished information to the newspapers, and having his pen put, in consequence, under an interdict. The Report of the visiting magistrates, dated January 10, 1824, is short, and runs as follows, being undersigned by the distinguished names of G. W. Onslow, Henry Drum-

mond, Arthur Onslow, and L. W. Eliot. "We have the honour to acknowledge the receipt of your letter of the 26th ult. After consulting with the surgeon of the prison, we are *of opinion* that no bodily mischief or inconvenience has been experienced by the prisoners *working on the Tread-Mill* in the House of Correction at Guildford."

Now, in the first place, it is well known that other magistrates of the county of Surrey, and of equal name and distinction, are of a very different opinion, and have supported such opinion by an appeal to an abundance of specific cases of injury occurring in this very prison from the Tread-Mill labour, and from nothing else: Sir John Hippisley pointed out several examples to the surgeon himself towards the close of last summer, and particularly the case of a seaman, who, from the severity of the labour, had an old but cicatrized wound in his leg irritated and laid open; insomuch, that he was obliged to be taken to the infirmary, where a part of the injured bone became carious, and was thrown off before the sore was again healed, when he was again sent back to the machine. While Mr. Briscoe, in a publication just issued, and which does equal credit to his head and to his heart, and will hand down his name, if he persevere in the same important path, with the Howards, the Hanways, and the Pauls, to a very late period in the important annals of prison economy, has brought before the eye of his country twenty-two cases of

serious mischief to the constitution from the same labour in the same prison, selected, as he tells us, from "others at least as strong*," but to which he has limited himself, as supposing them to be "sufficient to excite serious inquiry on the subject†." It should here be observed, moreover, that there is not a man in the kingdom better calculated to offer an opinion upon the present point than this active magistrate, since a sense of duty has led him to extend his inquiries to various other prisons, and enabled him to collect similar lists of cases from them; and, like the present writer, to make a trial of the labour in his own person, a task without which no individual can be fully qualified to speak with any degree of decision upon the subject.

But, in the second place, in proof of injuries from the Tread-Mill in the Guildford Prison, we have not only the testimony of Surrey magistrates hostile to its infliction, but even of one at least in favour of it, and whose name appears in the list of the under-written to the Guildford Report,—I mean Mr. Drummond,—who distinctly shows that all the cases of mischief described by Mr. Briscoe, as far as he could trace them (for a few had been discharged), had actually occurred, although he is disposed to refer them only *secondarily* to the machine, and *prima-*

* Cases of Prisoners under sentence of hard labour, in the Houses of Correction at Guildford and Brixton, p. 3.

† Ibid.

rily to some other cause; such cause itself, however, being produced by the action of the machine. And I now refer, as you well know, to Mr. Drummond's "Letter to the Justices of the Peace for the county of Surrey, on the eases in the House of Correction at Guildford presented by Mr. Briscoe to them at their General Quarter Session, on the 13th of January 1824."

It is delightful to see the spirit of activity, wisdom, and even general humanity, with which the duties of the magisterial function are at this moment carrying into effect in different parts of the kingdom, notwithstanding the discrepency of opinion which prevails amongst its members upon a few points. This remark is peculiarly called for by Mr. Drummond's Letter, for it shows the excellent and eminent writer in a character strikingly calculated to stamp respect upon his office, and represents him as the *friend* as well as the superintendent of the unhappy individuals whom the law has consigned to his care. And while the county of Surrey shall possess two magistrates of the same vigilance, sound judgment, and humane attention; as Mr. Drummond and Mr. Briscoe, the police of its prisons can never, *for any long period of time*, be otherwise than in a wholesome condition. The object of Mr. Drummond's Letter, is of course not to support Mr. Briscoe, but to point out such errors as he conceives he has fallen into; and for a nice detection of which, Mr. Drummond's more fami-

liar connexion with the prison, as one of its visiting justices, and as an individual who appears from time to time to have taken a kind and hearty interest in the state and history of its inmates, has peculiarly fitted him. In a few points, therefore, of trivial moment, he has succeeded, but I do not find that he has been able to carry his success a single inch farther. For, if we except a casual mistake in the Christian name of a prisoner, his age, the time of his committal, or of his having been employed on the Wheel, the work, as it appears to me, is left impregnable, and the main facts, all its foundation and pillars, stand firm and unshaken, and are rendered far more trust-worthy from the ordeal they have undergone.

It has been very generally said, though Mr. Drummond has too much experience to make such a remark, that but little dependence can be placed upon the testimony of a prisoner; and that statements derived from so suspicious a source, are hardly worth the trouble of examining. There might indeed be something in such an assertion if testimony of this kind were to be brought forward alone, but when connected with facts and circumstances bearing directly upon the evidence, and giving it strength and spirit, the absurdity would be in rejecting it. Such evidence is justly admitted in our respective courts of law, as it is also in the present and the late official correspondence between the Secretary of State and the visiting

magistrates of prisons : and as Mr. Drummond has freely availed himself of such a source of information in his pamphlet, the same measure of allowance must of necessity be meted out to the magistrate he challenges.

Now, in the letter before us, Mr. Drummond, after having signed the Guildford Report, “ we are of opinion that no bodily mischief or inconvenience has been experienced by the prisoners *working on the Tread-Mill,*” freely and candidly admits all the pains, and aches, and debility, the perspirations, and chills, the hot fits, and cold fits, which, so far as I know, have at any time been charged against the Tread-Mill by any of its adversaries. He only differs as to the *primary* cause. “The prisoners,” says he, “*even in very cold weather, PERSPIRE VERY PROFUSELY. Are not the PAINS with which they say the labour afflicts them the effect of hunger, occasioned by exercise, rather than the effect of the mechanical action of the Tread-Wheel? Does not the lowness of the diet increase the DEBILITY, and consequently the PERSPIRATION of the labourers? And does not the PROFUSENESS OF THE PERSPIRATION render them liable to SEVERE COLDS*?*”

This forms a part of the conclusion or epilogue of the pamphlet, and the prologue is in perfect keeping with it. “Persons, says Mr. Drummond, “who have been unused to labour, will certainly

* Letter, &c. p. 35.

find inconveniencies, aches, and pains, upon being compelled to work hard. This inconvenience and pain will also vary in kind and degree *according to the nourishment taken*: so that any particular labour may be painful and exhausting to a man who is indifferently well fed, although it might be, on the contrary, *wholesome and beneficial*, if he could obtain as much food *as he could eat*.*

It is obvious, therefore, that the infallible specific, “the sovereign’st thing on earth,” with Mr. Drummond, to drive away all the miseries of the Tread-Mill, is good eating and drinking, doses of food instead of doses of physic; and that every panting and perspiring treader, like a jaded hackney on a long and wearisome journey, should have as many feeds as he can devour: nor do I, in fact, know of a more excellent prescription so long as the treading itself is permitted to continue.

Nothing indeed can surpass the hospitality of this truly benevolent magistrate upon this point; and it is impossible to read his work without imbibing something of his own good nature, and recalling to our recollection the old English manor-house, and the old English magistrate of the golden times of our ancestors. The prisoners seem all of them to have been ready converts to the plan, and to have entered into it with the full glee of their patron. Speaking of a prisoner of the name of Ri-

* Letter, &c. p. 4.

chard Bell, aged 52, who had *already* been put upon the improved diet, which Mr. Drummond calculates as equal to *three shillings* a week, and beyond what “a large majority of the honest and industrious labourers have at this present time throughout England†”—but who, nevertheless on being put to the test of the balance was found to fall away under all the feeding that could be given him—Mr. Drummond tells us “At * (a mark importing that he then weighed 9 st, 9½lbs.) he began to be put upon an INCREASED allowance of food. He thinks that if the prisoners had MORE FOOD they would not suffer *the pains of which they and others have complained to Mr. Briscoe*; because he finds that when he feels *faint from the labour, the pains are most severe*. Mr. Briscoe’s statement conveys an impression very far from the truth.” The facts of wasting, pain and faintness being thus admitted on both sides, as also the diet increased over and over again, I shall leave the public to determine which of these kind-hearted magistrates is in the right—the one who ascribes the mischief to the *severity of the labour*, or the other who ascribes it to the want of *more food*.

But let us turn to a younger subject. William Milford, aged 28, avers to Mr. Briscoe, that “I have worked on the Wheel eight months. I was well on coming in. I suffer now from great pain

† Letter, &c. p. 36.

in my loins and breast. I find myself so reduced and in so weak a state that I shall not be able to get my bread." On being asked why he did not complain to the surgeon, "I do complain, Sir," he replied, "but the surgeon tells me IT IS THE EFFECT OF THE WHEEL, and there is no remedy for it." On the 24th of December (a month afterwards), he added, "I now feel myself worse. My constitution is entirely decayed." The facts are not called in question by Mr. Drummond, with the exception of the last sentence, which he affirms to be "absolute nonsense." With respect to the rest he says that "it is quite natural that a sedentary occupation (the man was a carver and gilder) with thirty shillings' worth of food weekly should make a man fatter than hard labour with only *three shillings'* worth of food. He has worked constantly on the Wheel; and though *there is no doubt that he would express himself in the way that he is above stated to have done, to an inquirer who was anxious that he should make the most of his grievances*, he distinctly declared to me that he did not consider that the labour would be hurtful to him, *if he had more to eat**." How far this man had penetrated into Mr. Briscoe's propensity, it may be difficult to say; but it is quite clear that he availed himself of that which is so creditable to Mr. Drummond.

* Letter, &c. p. 20.

Under the next case, which is that of Ebenezer Oakley, a young man aged 22; "He told me," says Mr. Drummond, "that he felt no pain from the labour for the first three months, *about which time he did do so*, but they went off. *These pains have returned again lately.*" He continued, as it seems, to waste away, though not very rapidly, from July 28, 1823, to January 10, 1824, at which time "it was to be expected," says Mr. Drummond, "that he would have lost more." As we have here no notice either of a request for, or a recommendation of the usual specific, this case seems to have been regarded as hopeless*.

George Whitmore, aged 22, "declared to me," says Mr. Drummond, "that he told Mr. Briscoe that he did not think *if he had more food that the labour would hurt him*, and that he thought *the pains arose from the cold which succeeded the perspiration into which the labour threw him* †."

But still more open is the averment of Christopher Lamborn, aged 31; "*He is confident,*" says Mr. Drummond, "*that the hard labour of the prison has given him pains in his loins and stomach; but he has no idea that the labour would be prejudicial to him, if he had as much meat now as he used to have in his father's house* ‡."

John Gansby, aged 21. "He says," observes Mr. Drummond, "that he always lived well, and

* Letter, &c. p. 21.

† Id. p. 24.

‡ Id. p. 25.

never knew the want of a meal. In point of health," he added, "I am as well as ever I was in my life; but low living and hard work give me *pains all over me.*" *His pains are sometimes in the hips, sometimes in the legs, sometimes in the chest**.

Among the sufferers generally, Mr. Drummond found out one man who had "had evidently a superior education; and from the candour," says he, "with which he spoke about the justness of his own punishment, I consider his representation deserving the fullest confidence." This prisoner's name is William Nash, aged 27, a hardy Scot, and seller of Scotch pebbles. "Since he has been at work on the Tread-Wheel *he has experienced pains different from those he ever felt before, and he thinks that the pains proceed probably as much from cold after being overheated, as from the labour of the Tread-Wheel.* He considers the labour as severe punishment; but does not think it would be prejudicial if the prisoners had *a greater quantity of food †.*" In other words, if the higher diet now in use, and which Mr. Drummond calculates as beyond that of the majority of honest and industrious agricultural labourers, were to be raised higher still.

The following, however, is a case in which the mechanical action or the muscular action or the perspiration, or whatever else may be the immediate cause of mischief, seems to have triumphed over all

* Letter, &c. p. 29.

† Id. p. 30.

the powers of food, when put to their stoutest test. The prisoner was of the age of 55, by name Thomas Smea. His statement to Mr. Briscoe was as follows; I have worked upon the Wheel nine months. I was as hearty as a man could be on coming in; but now my body is so swelled, and I have such a violent cough. I have got a blister on.”—“Do you find the labour severe?” “Yes, Sir, it tears a man all to pieces: my limbs too, get so stiff on coming off; and then the cold strikes to me.” In animadverting upon this, Mr. Drummond tells us, that he had by no means worked constantly on the Wheel, for that “out of the nine months, he was never at work in the aggregate above four months.” And that, “instead of being as hearty as could be on coming in, he was asthmatic;” for which reason, but chiefly on account of his age, he was allowed the above intervals of respite. Now, for the sake of humanity it is to be hoped that Mr. Drummond has been imposed upon, in this instance, rather than Mr. Briscoe; for if the man were really in the diseased state described by the former, instead of being sent to the Wheel for *four months*, the surgeon ought never to have allowed him to set his foot upon it. And I am persuaded that Mr. Drummond could never have been privy to the prisoner’s having been in such a *state of sickness as to require a blister upon his chest, whilst actually engaged in the Tread-Wheel labour*. This hospitable magistrate, however, conceived that the prison beverage of water might

have disagreed with him rather than the work on the wheel, and especially as he before was reported to have drank very hard all his life. But, not being able to determine very precisely between the two causes, he took him at last from both, and sent him into the infirmary to eat *mutton chops* and *drink porter*, “puddings, tea, or any thing else that was ordered by the surgeon.” All, however, was in vain, for the *work*, according to Mr. Briscoe, or the *water*, according to Mr. Drummond, proved too strong for the porter and the mutton chops, and he sunk, not beneath an asthma, but beneath a dropsy;* so that the prisoner’s account of his malady to Mr. Briscoe was correct.

The main mischiefs, therefore, are equally admitted by both these gentlemen; they only differ as to the cause, the one ascribing it to the Tread-Wheel *directly*; and the other to the Tread-Wheel *remotely*, the direct cause, as already observed, being, in Mr. Drummond’s view, the hunger, or the perspiration, or the cold, “rather than the effect of the mechanical action of the Tread-Wheel †.” To the world, indeed, this is of little importance, for the Tread-Wheel is equally guilty in both cases, and we have now the circumstantial and concurrent evidence of one of the most able supporters, and of one of the most able opposers of the new discipline, in full proof that either primarily or secondarily, this instrument is entitled to the original

* Letter, &c. p. 18.

† Id. p. 35.

character bestowed upon it, that of operating by terror; and is, in one way or other, causative of all the pains, and aches, and profuse perspiration, and excitement, and debility, of which it has been at any time accused.

But though it is of little importance to the world at large, whether all these proceed *primarily* or *secondarily* from the Mill-labour, it is of great importance to Mr. Drummond himself; for, without this nice distinction, he could not have signed his name to the Report already adverted to, as returned from the Guildford House of Correction to the official circular; nor have concurred with the other visiting magistrates in asserting, “we are of opinion that no *bodily mischief* or *inconvenience* has been experienced by the prisoners working on the Tread-Mill in the House of Correction at Guildford.” And I have now therefore, I trust, sufficiently shewn which was the only object I had in view in entering on so detailed an examination, that from the guarded, qualified, and summary manner in which these Reports are given generally, it is obvious that “more is meant than meets the ear” in most of them; and consequently, that it is impossible from such documents to arrive at a clear and satisfactory understanding of the full influence of the Tread-Mill upon the health of those who are condemned to it. For, without imputing the shadow of a want of candour to Mr. Drummond, I may at least remark, that no one, at first sight, could con-

ceive that the morbid effects of the Tread-Wheel labour which we have just noticed could be included, and were meant to be included in the Report to which he is a party.

As to the FACTS themselves, whether *directly* or *indirectly* chargeable upon the Tread-Mill, I can fully corroborate the whole Mr. Drummond has allowed; and that from observations at various prisons which I have been professionally requested to visit by magistrates of different counties, though I have never attended them otherwise. Of several successive visits to the House of Correction in Cold-Bath Fields, I have given you a pretty full account in my former Letter; and it will only be necessary to notice, on the present occasion, a very late visit I paid to the House of Correction at Brixton, at the especial request of Mr. Briscoe, and, in company with him; on perusing which you will find that the morbid appearances from the use of the Tread-Mill in this prison were in perfect unison with those observed in every other.

The governor of the prison attended us, and, on the female side, at my particular request, the female superintendant. The cleanliness, quietude, and general order that prevail throughout it are entitled to considerable praise, and do great credit to the visiting magistrates: nothing as it appeared to me could be farther removed from a spirit of mutiny, or even of murmuring; and assuredly the manner in which the examination was conducted

on this occasion, had no tendency to excite such a feeling. And I mention this circumstance particularly, because I perceive in the Appendix to the Official Correspondence a charge is directly made, that on some occasion *antecedently* to this visit, a show “of serious insubordination, and a strong disposition to violence was exhibited in one of the classes*,” which I understand, indeed, to have been a fact, though it was confined to an individual prisoner alone, and had no reference whatever to the Tread-Mill, or the magistrate who accompanied me. I mention it also because it has been loosely hinted that, even during the present visit, *leading questions* were put to the prisoners with a view of soliciting complaints; than which nothing can be more opposed to the truth; and which can only have been resorted to in default of all other objections. It has been my endeavour indeed, that the Surrey magistrates should be convinced of this generally, and I have reason to believe that such a conviction has been produced. The attention I am well known to have paid to the general subject before us through a considerable period of a former part of my life, and the professional connexion I once had with the medical establishment of the House of Correction in Cold-Bath Fields, have amply, as I trust, initiated me into the necessary degree of caution to be exhibited on such an

* Correspondence, &c. p. 16.

occasion as that now referred to; and I was peculiarly on my guard not to transgress it.

Having completed the examination, I made a minute of its result in the prison journal, at the request of Mr. Briscoe, and on being told by the governor that it was usual for visitors to record their opinions, and that the magistrates are solicitous of intelligence thus conveyed to them. And in truth I felt urged by a desire of communicating an important fact that had then fallen under my own eyes, and for which I had no doubt that the magistrates would be obliged to me. As I took no copy of this minute, I cannot give you the identical words, but it was to this purport; that the general state of the prison was entitled to high commendation, but that the ordinary ill effects of the Tread-Mill seemed to exist in as great a degree here as I had ever witnessed them in any similar establishment. That, with the exception of one or two of stouter frame, and whose constitution had not then been broken down by the exertion, the prisoners uniformly, both men and women, complained before us all of great excitement and exhaustion, and of pains and injuries, varying indeed in their seat in different individuals, but, in almost all instances, producing serious mischief in the loins, the muscles of the thighs and legs; that they were all in a state of profuse perspiration on descending from their quarter of an hour's work on the Mill, accompanied with considerable thirst and languor; the checks of some

flushed and burning, and of others pale and sickly; that the acceleration of the pulse was peculiarly remarkable, and gave the strongest possible proof of the degree of excitement in which they were kept throughout their ten hours of labour every day. That, out of fifteen examinations, the pulse of the men varied from one hundred and eight beats in a minute (of which however there were but *two* instances so low) to one hundred and forty-two, the medium range being one hundred and twenty-three; while that of the women varied from one hundred and thirty-two to one hundred and fifty-six, the medium range being one hundred and forty-four; and that the greater number affirmed the distress was by no means diminished by rest, but often increased from increasing weakness.

I do not know that there is here a single symptom or effect which is not already given to the public by Mr. Drummond; and when both these accounts are added to the cases selected by Mr. Briscoe from the Cold-Bath Fields House of Correction, as well as his cases derived from Brixton and from Guildford, those must surely be more hungry of proofs than the Guildford traders are of substantial cheer, who can stand in need of a larger supply of facts than are here served up to them. The concluding part of the above minute, as I entered it in the prison journal, is peculiarly worthy of attention, as it shows us how unfounded is the common opinion, an opinion to which even

Mr. Drummond seems to incline on one or two occasions, that the pains and aches, and general mischief complained of, result alone from the *novelty* of the toil, and pass off in a very few days. This was the belief of the governor of the Brixton prison when I first spoke to him upon the subject, but we agreed to put it to the test of the prisoners themselves; when we found that one or two only felt the labour more easy by practice, several much the same as at first, while by far the majority complained of an augmentation of suffering with an augmentation of time. I particularly inquired of one of them how this could happen, as almost every thing becomes easier by use: his answer was clear and striking, "because I grow weaker, and am less able to bear it."

It is thus, as I have formerly had occasion to observe, the constitution gives way at various periods, in different individuals, and under different circumstances. We have seen in the professional Report from Cold-Bath Fields, that a hearty young woman miscarried even on the first day's work; and I have just heard that another, equally robust, has since miscarried, with a considerable flooding, nearly as soon. It is often, however, some weeks or even months before much inroad is made upon the general strength, or any serious mischief complained of. Several of Mr. Briscoe's cases seem to illustrate this remark; and Mr. Drummond expressly tells us, in the words of Ebenezer Oakley,

that " he felt no pain from the labour for the first three months, about which time he did do so*." And I have had my attention of late directed to the cases of several individuals discharged from prison with serious injury to their constitutions, but who had borne up for even a longer period of time. The usual term before any important mischief takes place is perhaps from a fortnight to a month, at which time the Brixton governor told me that they commonly fall away, and he finds it necessary to increase their already augmented diet, and to supply them with solid *meat* and *beer*, for which he has an unrestricted order from the visiting magistrates.

How far the fullest and richest diet, the benevolent specific of Mr. Drummond, may arm them with vigour enough to fight off the hostile attack through the whole extent of a protracted campaign on the Wheel, must be left to such an ordeal to speak for itself. The idea is undoubtedly taken from its success on road-horses, which usually travel in proportion as they are fed. But I neither like the comparison, nor think it strictly applicable. For while road-horses, at whatever rate they are worked, are left in the free use of all their muscles and uncramped in their natural action, the workers on the Tread-Mill are forced into a perspiration in ten minutes, by having the power of the heel taken

* Letter to the Justices of Peace, &c. p. 21.

away from them, and being thrown on the fore part of the foot alone; which nature never intended to bear the weight of the body, but chiefly to give steadiness and direction in walking. If therefore the Mill-Treaders are to be worked as horses, let them have the same fair play, and full use of all their limbs: let them, like mill-horses, tread on a level floor, be properly harnessed for the purpose, and disciplined to the orbicular path. Or, instead of letting them out to millers, as is now the custom, let them be offered in teams to the proprietors of broad-wheeled waggons, and draw goods and chattels from London to Manchester, or Birmingham. Disgrace is what is expressly aimed at; and to those who think this would hereby be carried something too far, let it be observed that the degradation would be much less than that of the present plan: for if the one lowers prisoners to a level with cattle, the other sinks them to mere stocks and stones; since it is their *mechanical weight*, as we are told and nothing else, that is put into requisition upon the Tread-Wheel. The only difference therefore being that to the country they are an enormous expense, and to themselves that they are without the comforts of insensibility.

Hence I cannot avoid looking at the labour alone as the object to be guarded against, though there can be no question that Mr. Drummond has proposed the best palliative against the mischiefs endured, whatever be the expense at which it is

obtained. The only radical cure of these mischiefs however is to be found either in an *utter abandonment* of the machine, or a reduction of its power to so low an ebb as to render it altogether impotent for the purposes of corrective punishment: which is a *virtual abandonment*.

The only medical committee which the government has hitherto consulted upon the subject, have recommended the latter. And I now proceed to a consideration of their official Report upon this important subject.

Notwithstanding all that has of late been advanced in the House of Commons, it does not speak much in proof of Mr. Secretary Peel's perfect satisfaction with the Report of the visiting magistrates, that he was no sooner in possession of it than he thought it prudent to turn to another quarter for advice, and gave instructions for a letter to issue from his office, addressed to Dr. Sims, Dr. Gooch, and Mr. Clarke for their joint opinion, "whether the labour of the Tread-Wheel has any injurious effects on the female constitution: and if so, whether those effects are greater than result from the ordinary occupations of women in the lower classes of society?"

It is much to be lamented that some such step was not taken at first, but it is certainly better late than never. And, as the inquiry is limited to FEMALES, it was not possible for the minister to have made a wiser selection of professional characters

than he has done. This is not common-place commendation: the writer of this letter is well-acquainted with the high merits of each of them from their writings, their course of practice, and an occasional intercourse; and has for many years had the happiness of living on terms of friendship with one or two of them: and he will not hesitate to add that, from these circumstances, he was prepared to receive from them a Report which would not only command his respect, but insure his acquiescence; nor has he, with the exception of a single clause, been disappointed.

In order to enable themselves to form a decision upon the subject submitted to them, which they do not profess to have previously studied, the committee prudently determined upon visiting a Tread-Mill prison, and for this purpose made choice of that in Cold-Bath Fields; such being most conveniently situated, and containing the largest scope for investigation. It should be here observed, that from some cause or other, and a cause not difficult to be divined, several important changes in the internal arrangement of the prison, and the extent of the labour inflicted, had just at this period taken place. The very numerous complaints of serious injury to the women which had been pretty freely circulated by both the female wardens, had reached the ears of the Committee, who thought it necessary to pay some attention to them. The warden, who was supposed to have complained loudest, was dis-

carded, and two novices introduced, one to supply her place, and the other to act as matron, with an authority over both the wardens*. But, as often happens in similar cases, though the counsellor was disgraced, the counsel itself was adopted; and the female prisoners who, at first, had been placed in the Wheel, and afterwards taken from it on account of its injuries, and then once more remanded to it, and sentenced to full labour, though with a screen behind them for the sake of decency; were now once more so far favoured as to have their labour diminished to one half, and consequently reduced almost to a standard of idleness. It was under these circumstances the committee attended, accompanied by Mr. Webbe, the surgeon, whose memory once more happened not to be at home, but unaccompanied by the older and experienced warden, who, nevertheless, did happen to be at home. In making which remark, however, nothing can be farther from my intention than to throw the slightest possible reflection upon the Committee themselves, who were doubtless unacquainted with these facts, but only to show the actual circumstances under which the investigation took place, and that they had the new matron alone to attend them instead of the warden.

The Report itself runs as follows:—

“ To enable us to answer this question, we visited the House of Correction in Cold-Bath

* Thoughts on Prison Labour, &c. By a Student of the Middle Temple. Appendix, p. cccxxxvii.

Fields, saw the Tread-Wheel in operation, examined the female prisoners who were working at it relative to their health, and likewise made enquiries of the matron, and of the surgeon.

“ In Cold-Bath Fields Prison, at the present time, the labour of the Wheel is regulated in the following way:—The prisoners work nine minutes, and rest nine minutes, and so on for two hours in the morning, and three hours in the afternoon. *About one week in every month each female prisoner is excused the labour of the Wheel.* Thus the time spent by each prisoner on the Wheel is *two hours and a half out of every day*, and three weeks out of every month. No pregnant woman, if she is known to be so, is put on the Wheel.

“ The nature of the subject on which we are consulted, will excuse us from entering into particulars; but the result of our enquiry is, a decided opinion, that the labour of the Tread-Wheel may be performed by women without any injurious effects on the *female* constitution, provided only that certain exceptions be made.

“ These exceptions are, women in a state of pregnancy; women affected with some of the complaints peculiar to their sex; and all invalids.

“ These cases may be discriminated by a competent medical officer, just as an army surgeon excuses the soldier from such military duties as the state of his health unfits him for.

“ Seeing also, that the generality of female prisoners are *young and robust women*, we are further

of opinion, that the Tread-Wheel, if *prudently regulated*, may be employed, not only without injury, but even with benefit to their health.

“ We give this opinion as the result of our best judgement, after a due consideration of the peculiarities of the female constitution as distinguished from that of the male.”

If I fully comprehend this report, of which I have no doubt, the Committee recommend as a maximum standard of female labour at the Tread-Mill, the amount enjoined in Cold-Bath Fields, at the time of their visiting the prison, with all its intervals, relaxations, and exceptions, together with various others, which they have cautiously added to the number; and are of opinion, that the labour thus prudently regulated, may be employed, *where the women are young and robust*, “ not only without injury, but with benefit to their health ;” for such is the ground of their reasoning—“ seeing also that the generality of (the) female prisoners *are young and robust women.*”

Now, with the exception of the single clause, that even young and robust women may be worked to this extent, “ with benefit to their health,” to which I shall beg leave to advert presently, I am not certain, without a further trial of the Tread-Wheel as here curtailed in toil, whether the report might not be safely signed by every practitioner in the kingdom. It is drawn up with great judge-

* Description of a Tread-Mill, with Observations on its Management, &c. p. 1. 1823.

ment, and extensive caution, and its allowances are very liberal. It chiefly fails in fixing a standard velocity for the wheel, and a standard interval between step and step; points of considerable importance, as it is well known, that from a want of attention to these, the labour in some prisons is more than double that of others; while not unfrequently, even in the same prison, according to the arbitrium of the miller, the velocity is sometimes nearly as much again as at other times.

But taking the velocity and interval of step at the average proposed by the Prison Discipline Society—to fight with the quantity of labour here proposed, whatever be its *quality*, is almost to fight with a shadow, for it never can answer its end; and consequently never can be suffered to continue as an instrument of corrective punishment. The term of time proposed by the committee of the Prison Discipline Society, is ten hours for the whole day, that is SIX HOURS AND FORTY MINUTES of actual work*, instead of TWO HOURS AND A HALF; allowing only *half-the time* for pausing which is consumed in work, instead of equal time, as is here laid down; and they very justly observe, that “if the number appointed as relays bear too large a proportion to the whole number of the class, and if the revolution of the Wheel be suffered from any circumstance to be performed too

* Description of a Tread-Mill, with Observations on its management, &c. p. 8.

slowly, the *discipline* of the Tread-Mill may become so light to each prisoner as *entirely to fail of its salutary effects.*"

Such unquestionably must be its failure, according to the reduced standard in use in Cold-Bath Fields, and recommended in the Report before us. That the committee did not advise an increased rate discovers, indeed, their judgement and humanity; and they were not called upon to do so. They have given their opinion professionally, and put the organs and muscles of the female frame to as severe a test of Tread-Wheel labour as they could venture, for their standard, it must not be forgotten, is a maximum standard. And hence it cannot be supposed for a moment that they intend this standard as one of universal application: for between the very large number whom they totally exempt, consisting of *all invalids*, including of course those of advanced years, "women in a state of pregnancy, and those affected with some of the complaints peculiar to their sex," and the maximum of labour proposed for the young and robust, they must have had in view every descending gradation which the scale will admit of for the rest; and which, as they justly say, must be left to the discrimination of the medical officer. And when we take into consideration how widely such exceptions and additional relaxations must operate, and particularly in our larger towns and cities, from the licentious life to which the female subjects of a prison do-

main have for the most part been exposed,—curtailed as is the present scale of labour, even at its maximum, we have not yet reached to more than half the inactivity and total indolence to which the authorized regulations must necessarily give rise.

Such however is the new law established at the House of Correction in Cold-Bath Fields, and which has now received the sanction of as able a medical committee, for the purpose immediately submitted to them, as this metropolis could furnish. And while such is the administration of the law, with *terms* so short and *vacations* so long and so frequent, so little work, and so much play, there can be but small danger of not having *the service*, as it is technically called in the prisons, sufficiently kept up. And especially as, in conjunction with this diluted measure of exertion, the excellent and effective cookery of the Guildford prison bids fair to be soon adopted through every other house of correction, with the unanimous consent of all parties, prisoners as well as magistrates. This indeed seems necessary so long as the Tread-Mill has its *amateurs*, as Mr. Grey Bennet has called them: but then the machine becomes of no avail whatever for the purpose for which it was invented. It is no longer the Tread-Mill of the Prison Discipline Society—an engine of terror and execration,—but a harmless recreation, and, possibly, a platform of amusement; or, in the language of the visiting magistrates of the North Riding, *a humane and delicate*

exercise for the employment of both sexes—a light and delectable sort of opera dance. Two hours and a half of work, as now proposed for a maximum, is rather more than a single mile of up-hill walk, with the whole of the remainder of every day, after the exercise is over, and one complete week in every month, devoted to total inactivity and holiday-keeping; to say nothing of the entire exemptions. Surely when we reflect that the Tread-Mill was first proposed for the purpose of putting down idleness and a corrupt state of morals, we have fallen upon the oddest expedient that could ever enter into the heart of man for this purpose! Is it not to be feared that we are now working on with corrections that more than any thing else require to be corrected themselves? *Quis custodiet custodes?*

But it may perhaps be remarked, that the standard of the medical committee goes no further than to the female side of our prisons.

On entering upon this subject in my last letter to you, I began, as Mr. Secretary Peel himself has done, and probably for the same reason, with considering the morbid effect of the Tread-Mill on the persons of females, in expectation that they would first show themselves in this quarter; and then took the extent of such effect as a comparative datum to judge of its influence upon the male frame, which I represented as being, in the aggregate, stouter, and hence capable of making a somewhat longer resistance.

It is necessary, therefore, before we can fairly decide in what respect the present standard is applicable to the male frame, to examine into the ordinary degree of vigour which the frame of males exhibits over that of females.

In the higher circles of life, from the difference which takes place in education and habit, this is strikingly manifest, and often extreme. But the greater part of such difference is artificial; it is the work, not of nature, but of discipline and fashion; a high improvement upon the whole, but still a change from the natural law. For in the lower orders of society, from which our prisons are chiefly supplied, and especially in savage life, we behold the women as much inured to hard labour as the men; in many regions, indeed, much more so: being obliged to wait upon the indolent tyrants who form their masters or their husbands, and to fill up the severest and most burdensome toils; which they undergo without injury to their health or spirits. And, even in our own country, there are few, if any, occupations in which men engage, that are accompanied with more fatigue and exhaustion than the daily work of washing-women, fish-women, those employed by gardeners and nurserymen to travel many miles under enormous weights of esculents or greenhouse plants, or who are engaged in the still heavier task of brick-making, and brick-wheeling.

By nature, therefore, and where nature has her

full play and control, the difference of constitutional vigour in the male and female frame is much less than is perhaps generally apprehended, and there can be no doubt that active and robust women, accustomed to hard labour, will undergo toil of any kind, and consequently that of the Tread-Mill, with less exhaustion and wasting, even upon a slenderer diet (as more accustomed to it), than many descriptions of men in the lower ranks of life, who pass their time in sedentary employments; as weavers, tailors, printers, and a variety of others. It is, however, of such ranks and descriptions as these, that the inmates of our prisons are very generally composed. And hence, Mr. Drummond, to whose authority, the *prison-fanciers* (to adopt a word coined by the Edinburgh Reviewers, and rendered current by the Secretary for the Home Department), can have no objection, affirms broadly and unhesitatingly: that “women in general seem to suffer less than men*” on the Tread-Wheel; and, as he afterwards adds, more frequently increase in weight than the men: which last, however, he chiefly ascribes to their being less accustomed to the generous diet of our modern prisons than the men are.

And hence, if the *maximum* labour of male prisoners should be rated something higher than that

* Letter to the Justices of the Peace for the County of Surrey, &c. p. 36.

of female, the *maximum* labour of female prisoners may, perhaps, form a fair standard for the *medium* labour of the males. So that if a robust young man, of the occupation of a porter or sedan carrier, be sentenced to grind flour for three hours, or three hours and a quarter a day, the great body of male prisoners should grind no longer than two hours and a half; being the portion of labour allotted to the robust and the puissant, the viragoes and heroines on the other side of the prison. Yet here too the same *general* exceptions and relaxations must enter into the standard rules as have been so prudently laid down by the Medical Committee, for the female treaders; for all the infirm, including those of advanced years, must necessarily have the same grant of indulgence, and be invalided or superannuated, while great numbers who are not wholly exempted, ought in reason to be partially exempted; and indulged with some degree of relaxation, not so much from actual debility, as from a stunted and dwarfish stature, by which they may be hardly able to lay hold of the hand-rail, to support themselves, or from the previous habits of a sedentay life, already alluded to, as tailors, woolcombers, and a variety of other quiescent trades. So that where one man grinds flour enough to supply a baker's shop, another shall not be called upon for more than a batch of bread, and a third, or a fourth, for only a peck loaf, or a morning roll.

And when, in conjunction with these tables of drawbacks, we unite the very extensive one of untried prisoners forming considerably more than half of the entire number in many of our treading prisons; and who are now, by an express Act of Parliament, on the point of being cut off from this athletic exercise, with all its delicacy and the gaiety of heart which it inspires, and are not to be allowed the *privilege*, as it has been called by the amateurs, of ascending this new *gradus ad Parnassum*, whatever be the nature of their consent, whether free or extorted,—we cannot avoid perceiving that, combining the forthcoming Act with the forthcome medical report, and the consequences that necessarily appertain to it, the tenants of the male side of a prison have a prospect of at least as general an amnesty, and as copious an idleness, as those of the female side; and will have quite time enough allowed them for digesting as much food, and as much mischief, as their hearts can desire.

Yet though it is possible that the medical standard of two hours and a half of Tread-Mill labour *per diem*, as a maximum for females, and a medium for males, may, with the assistance of the new and improved dietary, be kept up “*without injury*,”—it requires, as I have already observed, a much larger scale of experiment to speak decisively upon such a question than we possess at present. That it will go beyond this, however,

and may “*be employed even with benefit to their healths,*” as conceived by the Committee, is a conjecture from which, with all due respect, I must beg leave to differ, and I now proceed to this particular clause of their opinion.

It is here again necessary to state, often as it has been stated before, that the mischiefs of the Tread-Mill, as a particular kind of prison employment, do not proceed from *the quantity* of the work accomplished, even where it is continued for eight or nine hours, or the highest given term in a day, but from *the quality*. For change *the quality*, and *the quantity* may be safely increased beyond any extent of which a Tread-Mill can boast. Proofs in abundance press forward in support of this assertion from a multiplicity of other kinds of labour ; and from none perhaps more decisively than that of the Hand-Crank-Mill, which seems to offer the best substitute for the Tread-Wheel. This may be worked at, and is so in all prisons, I believe, in which it is employed in a proper state of machinery, for the whole day, instead of only for a few hours; and even for an hour or two hours at a time, instead of for only nine or ten minutes, or at the utmost a quarter of an hour, with like or nearly like intervals of rest through the entire period of working. At Hereford, the prisoners work at it by alternate hours, and, instead of rest, have a lighter sort of work assigned them through the alternate intervals; so that THE WHOLE DAY IS

FILLED UP, as it ought to be, with hard labour, instead of nearly five parts out of six being spent in legalized idleness*. The average weekly expense for diet moreover is here calculated at only 2s. 2½d. per man, instead of 3s. 6d. and 4s., which is its amount in many other places. And yet the Committee of the Prison Discipline Society assure us, that “*the labour is considered harder than the Tread-Mill*†.” The same machine is introduced into the Bridewell at Southampton. On entering this prison, “and requesting,” says Mr. Briscoe, “to see it as a stranger,” ‘Sir,’ rejoined the Governor, ‘we have now no prisoners; we have but three or four men, and one woman.’ I inquired how this happened? ‘I believe, sir, it is owing to the Mill; they do not like the labour we have now; they used to do nothing, and they did not mind being sent to prison; but the case is altered.’ I expected to witness the discipline that has been so generally popular, but I was surprised by the sight of a *Hand-Crank Mill* which four men were employed in working. I worked at it myself, and having recently suffered from my repeated efforts to continue the labour of the Tread-Wheel, I found it comparatively easy, and observed that this could not be regarded as *too* severe. ‘We do not know, sir,’ was the an-

* Fifth Report of the Committee of the Prison Discipline Society, p. 39.

† Briscoe, Letter, &c. p. 141.

swer made to me; ‘but see us at night, you will then find us worn out enough.’ Now, this is as it should be; the prisoner, by the continued performance of his task, becomes gradually wearied and exhausted, till he procures a temporary and necessary relief in rest, and repose, and sleep. He rises the next morning refreshed and recruited; each succeeding day finds him better able to endure the sentence of the law; and, at the period of his release from prison, by constant and daily practice he has acquired such habits of useful industry; and his hands, and arms, and limbs, and constitution, have received such fresh energy from exertion, that he no longer looks upon labour as the irksome and painful lot which he considered it before. Above all, he is restored to society with his health and strength unimpaired; and, perhaps, in frequent instances, improved; consequently with less disinclination to provide for himself by honest industry, for the future; so that we are no longer at a loss to account for the vacant state of the Southampton Bridewell.”

Now whence comes it, that with what the Committee of the Prison Discipline Society calculate as a *harder labour*, a prisoner is able to proceed without injury, or a spirit of insubordination, for double or treble the length of time that he can persevere in a *lighter labour*? Whence is it that the former may be safely continued for an hour, or an hour and a half, without suspension, and the

latter for not more than nine, ten, or at the utmost fifteen minutes? That the one may every day fairly fill up the day, and the other not more than two hours and a half of it, or five hours, including its intervals? Whence is it that in the work which ought to be less burdensome, and which, considered *abstractedly*, is so, we behold in the course of ten minutes, the whole frame in a state of trembling agitation; the muscles of the legs, where they are seen from a casual fall of the stockings, quivering; the face burning with heat; the hair drenched with perspiration; and the pulse raised to nearly double its natural rate? What, in few words, is the ground on which the highly respectable Medical Committee consulted on the occasion, have not thought it prudent to recommend a longer stretch of labour than two hours and a half a day, for the stoutest and strongest females committed to prison, even when in their fullest possession of health and spirits?

The only reason which can be assigned is that which I have endeavoured to point out on various occasions antecedently; I mean, that while in almost all other labours, however harder considered *abstractedly*, the organs and muscles of the body are left in their full play of natural action,—in the labour of the Tread-Mill they are thrown out of this action, and twisted into a line of movement for which nature has only made an occasional provision, but which she never designed for habitual

use. In the labour of washer-women, of boatmen, of porters and sedan-carriers, as well as in that of the Hand-Crank-Mill, the whole weight of the body presses firm on the heel-bone, and derives little more than direction and steadiness from the fore part of the foot; while in that of the Tread-Mill this natural action is completely dislocated; and while the heel-bone bears no part in the struggle, the entire weight of the body is urged forward upon the plant or fore part of the sole, the whole chord of the muscles and tendons of the legs, and even of the thighs, being thrown out of gear, to adopt the language of the mechanics, in order to accommodate themselves to the new and awkward change of position.

It has, indeed, been affirmed by Mr. Hutchinson, the highly respectable surgeon to the Southwell House of Correction, that the treaders, under his superintendence, can, at will, make use of the whole or the greater part of the bottom of the foot, by bringing it to a lateral direction. I have tried this myself, and I know other volunteers who have tried it also, but altogether in vain. A few treaders in Cold-Bath Fields have accomplished it for a moment, but with so painful a twist of the knee as to compel them immediately to fall back upon the plant of the foot alone. Nor have I ever put the question, whether prisoners can work thus, to a single governor of a prison, but it has been received with a laugh, and an instant assurance that

it is an utter impossibility. The Brixton governor declared, with some vehemence, that not a single prisoner under him had ever attempted it.

Now this, though a fact most striking to those who have several times had their attention directed to it, is extremely apt to be overlooked by those whose eye is for a first or even a second time divided between all the several movements and evolutions that take place amidst the whirl of this colossal apparatus, and the living beings that are attached to it; and I cannot therefore avoid thinking, that this important circumstance did not sufficiently enter into the attention of the distinguished individuals who formed the Medical Committee, either at the time of their examining the operation of the machine, or in drawing up their opinion afterwards.

I have other grounds, however, for forming such a belief, besides the wording of the opinion itself; for one of these eminent characters has since favoured me in a letter with the general train of argument by which he has been led to the conclusion that the exercise before us may be employed, under due regulations, not only without injury, but with an augmentation of strength and facility. This letter I value, not more for the correctness of its reasoning than for the courteous and amiable spirit in which it is written; but then, as I have taken leave to observe in reply, it does not once touch upon the point immediately

before us. I can go with it from the beginning to the end, and only lament that it should end where it does, without entering upon the tortuous change of position which the labour of the Tread-Mill imposes. And in calling the attention of my excellent friend to this peculiar feature of the case, I have ventured to ask him, what can otherwise be the cause of the greater exhaustion produced by this labour, in a shorter period of time, than that produced by all the other labours he has pointed out to me, when continued for a longer period of time, though in themselves of a much graver and more rigorous character; or, in other words, what is the train of argument by which the Committee have been led, in their own view of the case, to limit the toil of the Tread-Wheel to the period of two hours and a half as a maximum? To this inquiry I have not received a reply.

Nothing can be farther from my intention than to cast the slightest shade of censure upon the penetration of this able Committee, but merely to account for my own discrepancy of opinion upon one of the points alone to which their report extends; for the general law of nature, so far as I understand it, is, that while a well-proportioned use of all the members of the body augments their tone and vigour, where the line of action is natural and easy; yet every such use, where this line is broken, and they are put upon a painful and dis-

torted stretch, instead of augmenting their tone and vigour, considerably deducts from these qualities; and by morbidly exciting and exhausting the system generally, deducts also from the habitual strength of the constitution, wastes its substance, and leads to all those baneful effects with which the Tread-Mill has been made chargeable. In like manner, with respect to the faculties of the mind, the attention, the memory, the imagination, are all invigorated by an easy and healthful application; but the man who attempts to call them forth by counteracting the established order of nature, as by standing on his head, or by any other posture or pursuit that produces uneasiness in the organ of the brain, and who strives hard to keep them upon a full stretch under such circumstances, will not only fail of his object, but run a risk of exchanging his sound imagination for a delirium, and his attention for the stupor of an apoplexy.

The excellent work on "Distortions" lately published by Mr. Shaw, who has studied the subject, in all its bearings, with a closer attention and keener eye than almost any other individual in the profession, offers an admirable and important commentary upon the principles here advanced, and supports them to their utmost extent: and I venture earnestly to recommend it to the notice of the able Committee here adverted to. A part of this work consists of an express investigation of the li-

gamentous and other injuries resulting to the feet and ankles, from a painful and unnatural employment of these organs. His examples are taken from opera dancers, and are directly applicable to the twist produced by the Tread-Mill. “ It may be observed, that *the ligaments of the ankles* of some of the most admired dancers *are so unnaturally stretched*, that in certain postures, as in the Bolero dance, the tibia nearly touches the floor. *So bad, indeed, is the effect occasionally produced by a frequent stretching of the ligaments, that the feet of many of them are deformed: for the ligaments* which bind the tarsal and metatarsal bones together, *become so much lengthened by dancing and standing on the tips of the toes, that the natural arch of the foot is at length destroyed.*” Mr. Shaw concludes with the following general position, that one of the most obvious and probable sources of distortions of the limbs (and in the present instance it applies to the *hands* as well as to the *feet*), is to be found “ *in the cessation of the actions of some particular part, or in the undue and partial exercise of others*.*” These remarks ought particularly to be studied by our prison surgeons who have so strangely ventured to recommend these sources of distortion as a valuable mean of giving additional health and vi-

* On the Nature and Treatment of Distortions, &c. p. 18. and illustrated by Plates in Folio. By John Shaw, Surgeon and Lecturer on Anatomy. 8vo. London, 1823.

gour to the muscles called into use, and particularly as a preservation against varixes in the legs.

The whole dispute, therefore, seems to depend upon the soundness or unsoundness of this principle alone; and after all that has been said or written on both sides, may be comprised within the capacity of a silver penny. It is, moreover, a principle of universal application, and may be applied by any one to other animals as well as to man.

I have already called your attention to the ease and freedom of natural action which we give to a horse on a journey, and by which he is enabled to fulfil it to any reasonable extent, and at any reasonable rate, without exhaustion or loss of flesh. But cramp him in any way you please, either by an uneasy saddle, or shoes too tight for his feet, *so as to prevent their having a proper bearing*, and what will be the consequence? the precise result which follows on the Tread-wheel labour for man. In a quarter of an hour, even with a slower pace, he will be thrown into a profuse perspiration, and if he be still pushed forward, he will fret and flag and fall away, and be not only rendered unfit for his present work, but, it may be, for all future employment. Slacken the pace as much as you will, diminish the term of labour as much as you will, give him as many feeds as you will, you only act by palliation; you diminish the evil, but do not cure it; he will still pine and be dissipated. You

may possibly reduce the toil so low as, by means of a rich diet, to prevent him from falling away in flesh; but I put it candidly to the distinguished members of the Medical Committee, whether they would ever recommend such a plan for giving increased vigour to the muscles of a horse? and whether they think it “may be employed not only without injury, but with *benefit to his health?*”

This part of the subject has, indeed, been but little attended to in many of its bearings by most persons. Even the Committee of the Prison Discipline Society have observed, in their last Report, that “there is nothing painful in the *simple position of the body on the Wheel;*”* and in a late debate on the Tread-Mill, in the House of Commons, it was repeatedly stated that “the prisoners could sustain no excess of exertion, as the descending steps of the Wheel were perpetually coming down to them,” instead of coming down *with* them; as though they were standing *at ease* on the platform, instead of being converted into a part of the mechanism itself, and clubbing their distorted muscles to strike out a *primum mobile*. And in like manner, the Committee of the society just referred to, tell us gravely, in their Fourth Report, that the Tread-Mill “induces *moderate and uniform* exertion, in an *erect and unrestrained* position of the body; WEIGHT, not FORCE, being requisite in the operation †;” while the exact converse of the whole of this is much nearer the truth. For the exertion,

* Fifth Report, &c. p. 35.

† Fourth Report, &c. p. 33.

so far from being *moderate*, throws the whole frame, as we have already seen, into a state of profuse perspiration in the course of ten or twelve minutes; so far from being uniform, is subject to very frequent jerks, and other interruptions, which the engineers affirm it is beyond their skill to correct; to say nothing of the breakings of the main shaft, and the accidents which are its necessary result; at the same time, that the body, so far from being in an *erect* and *unrestrained* position, is thrown from its right line into a greater or less degree of incurvation, and tilted forward from its natural fulcrum of the heel to the awkward and merely provisional prop of the fore-foot. And that the heel alone constitutes the natural fulcrum of the human column, is obvious to every one who pays attention to the substitute of a wooden leg, when the limb itself has been amputated; the bottom of which consists of nothing but heel. The fore part of the foot, indeed, might be added; but what would be thought of him, and what would be his fate every moment, who, being in possession of so cumbersome an appendix, should give up the support of the wooden heel, and prefer standing or hobbling on the wooden tip-toe?

And, in like manner, instead of *weight* and not *force* being requisite in the operation, it is the *force* alone, the action and struggle of the muscles, that produces all the labour. If the prisoner, instead of treading, were quiescent, as in a pair of scales, he would undoubtedly contribute his weight alone,

but there would be no labour whatever. And, hence, to maintain such an assertion as the present, is entirely to confound the man with the machine; which, indeed, is not much to be wondered at, considering how closely he is put into fellowship with it. The Mill itself works by *weight*, though by no means altogether so; for the momentum is equal to the weight; but the man works by *force*, by the wear and tear, the urgency and violence of his muscles.

Under this explanation, then, there is no difficulty of accounting for the severity of the Tread-Mill labour at all times, and its inequality in respect to persons of different statures, constitutions or habits of life; nor is there, in consequence hereof, any difficulty in accounting for that otherwise extraordinary limitation of the term of labour which the Medical Committee have sanctioned, and which, in effect, amounts to a virtual prohibition of the machine. But the difficulty I feel is this, that, while such an explanation fully justifies the prescribed limit of labour, it calls in question the concluding clause of the opinion I have thus ventured to controvert, that such labour, however limited, “may be employed even with benefit to the health of the prisoners.”

The best work on medical jurisprudence which has hitherto appeared in this country, I mean that of Dr. Paris and Mr. Fonblanque, puts this subject in a much more perspicuous and striking light,

though the learned writers modestly admit that they were not at the time deeply versed in its different bearings.

“ On the subject of the Tread-Mill we are not enabled to pronounce any very decided opinion: the invention has not been in use long enough to determine, with any degree of accuracy, its merits or defects. That it is held in *considerable dread* by offenders, is certain; and the fear of returning to it may operate favourably on that class for which it appears best calculated, the regular vagabond: *but it does not give any habit of industry, or teach any mode of labour* to the merely idle or casually culpable, and therefore *ought not to be indiscriminately applied to all cases*. The punishment, too, is *one of the most unequal in its operation that can be conceived*. A man who has been accustomed to running up stairs all his life, with good lungs and muscular legs will scarcely suffer by it; while an asthmatic tailor, weaver, or other sedentary artizan; *will be half killed by the exercise*. FOR WOMEN IN certain stages, whether of menstruation or pregnancy, IT IS A DANGEROUS AND INDECENT TORTURE; one which should be IMMEDIATELY FORBIDDEN, if not by the humanity of magistrates, BY THE WISDOM OF THE LEGISLATURE*.”

Where the MEDICAL evils of this machine are so numerous and so intractable, it is hardly worth

* Medical Jurisprudence, Vol. III. p. 151.

while to notice its MECHANICAL evils; though even these seem sufficient alone to call for its suppression. For the melancholy accidents of two deaths and three distinct injuries at a time, in one house of correction *, one death in another †, the loss of an arm in a third ‡, and an extensive list of minor casualties in many other prisons §, notwithstanding that several of these may be strictly referrible to the imprudent conduct of the unhappy men who have suffered, are sufficient to make a merciful heart pause before it can assent to a longer continuance of so perilous a mode of punishment: and the more so, as, in the opinion of Mr. Bramah, and from the collateral evidence of numerous other engineers of established reputation, examined before a Committee of the House of Commons, upon the comparative powers of cast iron and malleable iron, as employed in other huge structures of iron work ||, the power of preventing the recurrence of such accidents seems almost hopeless.

Such, indeed, appears to have been the opinion of the engineers or visiting magistrates, or both, in several of our Tread-Wheel prisons. And hence the treaders in these places have had the discipline

* Official Correspondence, &c. Leicester, p. 7.

† Ibid. Swaffham, p. 8.

‡ Ibid. Northallerton, p. 12.

§ Middlesex, p. 7. Shepton Mallet, p. 9. Aylesbury, p. 4.

|| Report on the Holyhead Road Steam-Boats, &c. p. 15! Thoughts on Prison Labour, &c. by a Student of the Inner Temple, p. 86-88.

of the Mill extended to a new and still more active branch of schooling; for they have been instructed to expect such accidents, muse over them, and prepare for them, by learning to vault backwards by a sudden and simultaneous spring, whenever they may think themselves in jeopardy; a tuition which seems of the highest importance, sometimes to save themselves, and sometimes their comrades. Thus we are told in the Report from Northallerton, which contains an account of an unhappy prisoner who was nearly killed by having the sleeve of his coat entangled in the treadles, and whose arm was shattered to pieces and obliged to undergo amputation; that “immediately upon his being so entangled, the rest of the prisoners *jumped off the wheel*; and by thus stopping the power, a more serious accident was prevented.” And hence, at Shepton Mallet, where the machine seems to have broken down about *once a week*, upon an average, from the time of its employment, the visiting magistrates appear to congratulate themselves upon the success of this prophylactic sleight; assuring the Minister that these disruptions were “without accident, *precaution having been taken*.*.”

That prisoners, under every kind of conviction should be employed, and employed, too, with double the *quantity* of work they are now likely to receive from the Tread-Mill, is indeed most desir-

* Official Correspondence, &c. p. 9.

but, in the present day, which exhibits so many rapid strides from the coarse and clumsy contrivances of a less erudite period, in which the powers of man, as an intellectual being are duly estimated, schools of *mental* discipline and education are founded for him in every quarter of the land, and the utmost stretch of ingenuity is at work to make machinery as much as possible take the place of human labour—to oppose this enlightened and benevolent career—to reverse the scientific march and order of the day, to make human labour once more take the place of machinery, and to sink the strength of human flesh and bone into flour-mills, is to exhibit a melancholy proof of a renunciation of the leading principles of the arts and sciences of our own times, and of a return to the rude and uncouth notions, as well as mechanism of our forefathers.

Yet while the millers and manufacturers out of prison will not consent to retrograde in the same manner, but will still make use of machinery, instead of human nerves and sinews, it must be impossible for those who grind and go to market with these last instruments to enter into any kind of competition with them. And hence, to the long list of grievous evils already enumerated, is to be added the heavy loss to a county under which our prison-trading is now carried on. The fifth or current Report of the Prison Discipline Society has given us data for calculating the actual profit of Tread-

Mill labour as performed in nineteen prisons throughout the country, no accounts having been received by them from the rest. And it is truly astonishing to find, after all the sweat and violence, the pains and aches, and accidents, the weights and scales, and logarithms and time-pieces, and the bustle and “ busy hum ” of magistrates and mealmen by which they are maintained, that the average gain does not amount to quite *sixty pounds* a-year for each, being only 1154*l.* for the whole; and consequently not enough to pay the mere salaries of the officers and servants of a single prison, in many instances, in which this machine is in operation. While at the Maidstone House of Correction alone, where there is no Tread-Mill, and the weekly dietary has only varied from 1*s.* 5*d.* to 1*s.* 11½*d.* per head, “ the sum of 1,076*l.* 15*s.* 8*d.* was paid to the county treasurer on account of work performed by the prisoners *for the year*, ending 16th April last*.” At Chester Castle, also without a Tread-Mill, “ the amount of earnings for the last twelve months was 706*l.* 4*s.* 2*d.* †,” and at Preston alike destitute of treaders, the earnings in every year are far more than sufficient to defray the annual cost of food for the prisoners, and hence yield a considerable net profit to the county. The tables of committals in this last prison display a

* Fifth Report of the Committee of the Prison Discipline Society, Appendix, p. 41.

† Id. p. 9.

gradual, and, indeed, wonderful fall, being three hundred and forty-nine for 1821, two hundred and two for 1822, and one hundred and forty-three for 1823. The gross amount of earnings for the first period having been 2,149*l.* 13*s.* 5*d.*, for the second 1,259*l.* 16*s.* 6*d.*, and for the third, the hands being comparatively so few, 818*l.* 1*s.* 1*d.*†: and hence, upon an average of three years, with a greatly decreasing prison-population, producing a larger annual aggregate than all the returns of all the Tread-Mill prisons, whose gains are communicated in any publication. How melancholy is it to add, that the fashion of the day has at length found an entrance even into both these last prisons, and that the iron age of the Tread-Mill is about to commence in them.

It is also equally melancholy to reflect, that after all the sacrifices that are thus profusely made by the public *without* our Houses of Correction, and by the prisoners *within*, the former in money, and the latter in health, such expenditure, to adopt the words of Dr. Paris and M. Fonblanque, “does not give any habit of industry, or teach any mode of labour;” and as far as can be collected from the last Report of the Committee of the Prison Discipline Society, compared with other documents of credit, does not operate to diminish crime, or keep culprits out of gaol, notwithstanding all its terrors.

* Fifth Report of the Committee of the Prison Discipline Society, Appendix, p. 9.

† Id. Appendix, p. 47.

“ A Student of the Inner Temple,” who has copied, from detached parts of the above Report, the different estimates of re-committals to Tread-Wheel prisons, and to prisons where no such machine exists, has given proof from this very work, “ that at nine-tenths of the prisons where Tread-Mills are in existence, the average of commitments have been very much on the increase ; and, on the contrary, that at nine-tenths of the prisons where the Tread-Mill is not, or was not in existence, the average of commitments has been very considerably on the decrease*.” While Mr. Briscoe has shown from the journal at the Brixton House of Correction, where the ordinary number of prisoners is calculated at one hundred and forty, that not less than *fifty* were re-committed within the last *six months* of the preceding year ; one having been sent there no fewer than *nine* times, another *eight*, a third *six*, two *five*, and *four* five times : thus multiplying the entire number of these *fifty* committals to *one hundred and forty-five* in the course of six months only : and consequently proving, if we take two months as an average term of sentence, that the culprits re-committed form one-third of the entire mass of the prison-population, and seem to claim an entrance into it as a freehold.

Whence then is it that the high expectations of the founders of this machine should have so strangely failed as to its effects ? and that all its terrors

* Thoughts on Prison Labour, &c. By a Student of the Inner Temple, p. 97.

and tortures, instead of driving criminals *from* the prison they have just quitted, should rather quicken their return *to* it? The question is well worth agitating, but the answer is not difficult. It is because the original calculation had no basis; because DREAD ALONE, whether it be of the Tread-Mill or of the Gallows, can do nothing; for though the terror may not altogether die away, it sinks speedily and uniformly beneath the dominion of more urgent and impetuous feelings. It is because, by the very discipline of the Tread-Mill, the mind becomes more hardened and brutalised, and more readily consents to every risk and every crime in the hot pursuit of present gratification.

This, indeed, is the most melancholy consideration of the whole,—the natural and essential tendency of the Tread-Wheel punishment to demoralise the mind. In this sense, even in the soberest and most measured language, it may be called, as it has been called, an *infernal engine*. Under its perpetual goadings, in the midst of sweat, and thirst, and aches, and tremors, what can the best qualified clergyman accomplish? And let the annals of its iron reign tell what he has ever accomplished in a single instance. There is no golden opportunity to be improved,—no genial season in which he can sow the heavenly seed,—no

—mollissima fandi

Tempora—

how much soever he may be in possession of the *dexter modus* : the conscience is seared, the heart is flinty, and the only harvest is a succession of new and more aggravated crimes.

It is therefore impossible, as it appears to me, that the Tread-Wheel can be much longer continued in this country. It came forth, I admit, with a specious promise, and there was good reason for laying hold of it; and as I am not among those who are surprised that it should ever have been countenanced by the magistrates of this country, neither am I among those who think that they will never voluntarily resign it. In a body so justly entitled to respect from their station and general education, and still more so from their zealous, and I still hesitate not to say *humane*, attachment to their office, a reaction of opinion must soon take place, and the Tread-Wheel be surveyed in its true colours. The props that can alone support it are already giving way, or have refused to render it assistance. The voice of the people is against it. The voice of the medical profession is against it; I do not know an individual, unconnected with a Tread-Mill establishment, who has appeared on its behalf. The distinguished authors of "*Medical Jurisprudence*," as already observed, have generally denounced it for men, and declared that for women it ought to be put down by Act of Parliament. The learned editors of the only Medical Journal which has hitherto taken

notice of it, have expressed themselves in terms nearly as strong*. There is an interesting and valuable little medical work, of a popular kind, the authors of which I am totally unacquainted with, I mean the *Medical Adviser* that, in its weekly development of the art of preserving health, and exposure of empirical pretenders to medicine, or of whatever else has a tendency to interfere with the principles of general health, has felt itself occasionally called upon, to animadvert, with some degree of severity, upon the machine before us. And the Report of the Medical Committee, appealed to by the Secretary of State's Office, whatever be the form in which it is drawn up, amounts to a *virtual proscription* of the machine. While the Committee of the Prison Discipline Society, who, at one time, recommended it indiscriminately for all ages and sexes, under an idea, as already observed, "that it induces moderate and uniform exertion in an erect and unrestrained position of the body," in the exercise of that additional reflexion, and that concession of opinion, which peculiarly characterize the enlightened and the liberal, felt it right, in their Fourth Report, to speak in more measured terms of its fitness for women; and have still further limited its application both to men and women in their Fifth or current Report. They still tell us indeed, that,

* London Medical and Physical Journal for October, 1823. Review of Sir J. Cox Hipplesey's work on Prison Labour, &c.

“ after mature consideration, they can discover nothing in the *proper use and moderate application* of this punishment that is irreconcilable with the feelings of humanity *;” that “ there is nothing painful in the *simple position* of the body on the Wheel ; and (that) the machinery may be made to revolve *so slowly as scarcely* to form a punishment ; yet they tell us also, that “ on the other hand it cannot be denied that, by excessive application, *it may be rendered an instrument of unjustifiable rigour* †, (and) become, in the hands of some, an engine of terrible oppression ‡”; in consequence of which they have proceeded to recommend its being itself chained down to various regulations and restrictions.

Among their regulations they remark, that for those for whom it may yet be kept in reserve, “ the daily rate of labour should, in no case, be more than twelve thousand feet in ascent §, being, however, two thousand more for men and four thousand more for women than was lately proposed by Mr. Grey Bennet in the House of Commons, and double what is sanctioned as a maximum by the Medical Committee for the strongest, and stoutest class of female prisoners. And they next recommend that “ care should be taken to apportion the diet to the degree of labour enforced ||.” And with these regulations before them they proceeded to the following restrictions :—

* Fifth Report, &c. p. 34. † Id. p. 35. ‡ Id. p. 36.

§ Id. p. 37.

|| Id. p. 37.

“ The Committee believe that for a CERTAIN CLASS of offenders, the Tread-Wheel is, under proper regulations, a punishment which the public interests justify, and the reformation of the criminal demands; and that “ no House of Correction *should be without it* *.” This CERTAIN CLASS of offenders to which they now limit a permanent infliction of the Wheel, they proceed to describe as those who are sentenced to *hard labour*, but for *short periods* of imprisonment. “ But in bearing this testimony in its favour, they feel no hesitation in declaring their opinion, that *its value may be over-rated*, and *its discipline misapplied* †.” They then caution us, First, that “ it ought NOT to form the punishment of THOSE WHOM THE LAW SENTENCES TO IMPRISONMENT ONLY;” or in other words, of any who are not, by the law, condemned to hard labour. Secondly, that “ to subject CONVICTS COMMITTED FOR LONG PERIODS OF IMPRISONMENT, day after day, to this discipline, is *inconsistent with the views of the best writers on the penitentiary system.*” Thirdly, that though the labour in regard to women may, in some instances, be productive of excellent effects, yet “ as there are, even in the absence of prison trades, other kinds of labour to be found for WOMEN in a gaol, that are more congenial to the habits of their sex; THE PRACTICE OF THUS EMPLOYING THIS CLASS OF OFFENDERS IS NOT JUSTIFIED BY NECESSITY. ‡” And fourthly, that “ as

* Report, &c. p. 37.

† Id. p. 38.

‡ Id. p. 38.

the Tread-Wheel can be regarded in no other light than as a punishment, to inflict it on the UNTRIED appears to the Committee to be a VIOLATION OF JUSTICE, SOUND FEELING, AND SOUND POLICY *.”

A rapid and extensive change seems therefore to have taken place in the opinion of this excellent and enlightened body, since, to adopt their own words, “ they were the first to recognize the excellence, and advocate the introduction of this description of prison-labour ;†” for, with all its excellence and advocacy, under the restrictions now before us, there is hardly any description of prisoners left for its schooling ; and one class slips away from us after another, till it remains little more than a mighty scare-crow in a House of Correction—a mere NOMINIS UMBRA ; its fly-wheel indeed still towering in the air, but the huge cyclop of its cylinder shorn of its means and motionless :

Monstrum horrendum, informe, ingens, cui lumen ademptum.

And hence, as the magistracy of the country have been chiefly induced to patronize this monstrous machine, upon the recommendation of the Committee of the Prison Discipline Society, it is reasonable to suppose that they will gradually withdraw such patronage, as the Society withdraws its recommendation. It may, indeed, be continued a year or two longer, for the purpose, lately suggested by Mr. Secretary Peel in the House of Commons, that of trying how far it will admit of a

* Report, &c. p. 46.

† Id. p. 34.

proper graduation ; but we shall progressively ascertain, that no graduation will fit it for the meridian of this country ; that it is so intrinsically full of evils from one end to the other, that not a sound point can be touched upon ; that if we raise it to the degree of the *high service*, we shall only brutalize the mind, and unstring and mechanize the body ; while if we sink it to that of the *low service*, we shall open the very flood-gates which it was our professed object to dam up ; and form a legalized inlet for idleness, vice, and corruption of every kind ; while, whether we employ the one service or the other, we shall poison to the very root that which it ought to be the primary endeavour of every penal establishment to cultivate and encourage—the precious hope and habit of industry, morality, and a virtuous independence of mind.

You at least stand absolved from every charge of this kind ; and that the warning voice you have raised, and some one or other of the wholesome substitutes you have proposed may be duly appreciated throughout the country, as I have no doubt they soon will be, is the sincere wish of, &c. &c.

(Signed) JOHN MASON GOOD.

Guilford Street, March 19, 1824.

THE END.

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